

AMENDED IN SENATE JUNE 10, 2003

AMENDED IN ASSEMBLY MAY 1, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1006

Introduced by Assembly Member Chu

(Principal coauthor: Senator Speier)

(Coauthors: Assembly Members Chan, Cohn, Diaz, Dymally, Goldberg, Hancock, Jackson, Koretz, Leno, Levine, Lieber, Longville, Lowenthal, Mullin, Pavley, Steinberg, Wiggins, and Yee)

(Coauthors: Senators Chesbro, Kuehl, and Romero)

February 20, 2003

An act to add Section 17615 to the Education Code, relating to pesticide.

LEGISLATIVE COUNSEL'S DIGEST

AB 1006, as amended, Chu. The Healthy Schools Act of 2003.

Existing law generally regulates pesticide use. Existing law, the Healthy Schools Act of 2000, requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management ~~for~~ by school districts.

This bill, the Healthy Schools Act of 2003, would prohibit all public schools from using the most highly toxic pesticides, as listed, on school property. *This bill would provide that its provisions would not apply to*

antimicrobial pesticide, products deployed in self-contained bait or trap or as a crack and crevice treatment, or activities undertaken by participants in agricultural vocational education, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds and declares
2 all of the following:

3 (1) Pesticides have been linked to numerous acute and chronic
4 illnesses, including cancer and asthma.

5 (2) Because children's bodies and brains are still developing,
6 exposure to pesticides can have detrimental and irreversible
7 effects.

8 (3) A recent study reveals that female teachers have a
9 significantly higher cancer rate compared to other women of the
10 same age and race, including brain cancer, breast cancer, and
11 leukemia, which shows a link to pesticides.

12 (4) Recognizing the impact of pesticides on the school
13 community, the Department of Pesticide Regulation has
14 developed a Web site, written training materials, and conducted
15 regional training sessions to assist schools that have chosen to
16 adopt least-toxic integrated pest management techniques and to
17 eliminate use of the most dangerous pesticides.

18 (5) However, many California public schools continue to use
19 highly toxic pesticides.

20 (6) It is necessary to take precautionary measures to protect the
21 health and safety of California school children and teachers, and
22 better ensure a safe learning and working environment.

23 (b) This act shall be known, and may be cited as, the Healthy
24 Schools Act of 2003.

25 SEC. 2. Section 17615 is added to the Education Code, to
26 read:

27 17615. (a) No public school may use the most highly toxic
28 pesticides on school property.

29 (b) For purposes of this section, "most highly toxic pesticides"
30 means:

31 (1) Pesticide products with high acute toxicity as defined by the
32 United States Environmental Protection Agency in Toxicity

Categories I and II, as defined in Part 156.62 of Title 40 of the Code of Federal Regulations.

(2) Pesticide products containing N-methyl-carbamate, neurotoxic organophosphorus compounds, or pyrethroids.

(3) Pesticide products containing active ingredients rated by the United States Environmental Protection Agency as A, B, or C carcinogens or substances listed as, known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens, as described in the “List of Chemicals Evaluated for Carcinogenic Potential,” or known to the state to cause cancer as listed pursuant to Proposition 65.

(4) Pesticide products containing active ingredients that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency or listed pursuant to Proposition 65.

(c) This section does not apply to ~~disinfectants or microbiocides used for cleaning~~ any of the following:

(1) Antimicrobial pesticides, including sanitizers and disinfectants.

(2) Pesticide products deployed in the form of a self-contained bait or trap.

(3) Gels or pastes deployed as “crack and crevice treatment.” “Crack and crevice treatment” means the application of small quantities of a pesticide, consistent with labeling instructions, in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

(4) Activities undertaken at a school by participants in the state program of agricultural vocational education, pursuant to Article 7 (commencing with Section 52450) of Chapter 9 of Part 28, if the activities are necessary to meet the curriculum requirements prescribed in Section 52454. Nothing in this subdivision relieves schools participating in the state program of agricultural vocational education of any duties pursuant to this section for activities that are not directly related to the curriculum requirements of Section 52454.